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MCRC-9527-2023

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 11th OF AUGUST, 2026MISC. CRIMINAL CASE No. 9527 of 2023*AVINASH KUMAR SONI**Versus**RAILWAY PROTECTION FORCE*

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Appearance:

Shri Vishal Daniel - Advocate for the petitioner.

Shri Sanjay Kumar Patel (CGSC) - Advocate for respondent.

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ORDER

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashment of the criminal proceedings in Criminal Case No.233/2020 (RSB Choupan Vs. Avinash Kumar Soni), pending before the learned Additional Chief Judicial Magistrate, Railway Court, Jabalpur, arising out of prosecution under Section 143 of the Railways Act, 1989.

2. As per the case of the petitioner, he is an authorized IRCTC e-ticketing agent since the year 2015 and is running a cyber café under the name "Soni Cyber Café" at Singrauli. It is pleaded that he has been operating under authorized IRCTC Agent ID "ICTKTRP00093" and the certificates evidencing such authorization have been filed as Annexure A-1 (collectively). According to the prosecution, officials of the Railway Protection Force conducted a raid at the petitioner's cyber café and found that two railway tickets, namely PNR No.6235889021 relating to Train No.18101



UP TATA-JAT Express and PNR No.6134036107 relating to Train No.18241 Durg-Ambikapur Express, had been issued through the petitioner's personal IRCTC user ID instead of the authorized agent ID. On the basis of the said allegation, an offence under Section 143 of the Railways Act, 1989 was registered and, after investigation, charge-sheet was filed before the competent Railway Court.

3. Learned counsel for the petitioner submitted that the continuation of the criminal proceedings amounts to abuse of the process of law as no offence under Section 143 of the Railways Act is made out. It is contended that the petitioner is a duly authorized IRCTC agent and there is no material to establish that he was carrying on unauthorized business of procuring or supplying railway tickets. It is further submitted that the statements of independent witnesses Vakeel Ram and Kamal do not support the prosecution case inasmuch as they refer to the raid having been conducted on 20.11.2019, whereas the prosecution has alleged that the occurrence took place on 21.11.2019, thereby creating serious doubt regarding the genuineness of the investigation. It is also argued that at the time of the alleged raid the petitioner was not present at the shop, but was at Varanasi pursuing his studies and the Roznamcha entry produced as Annexure A-3 substantiates his absence. Learned counsel further submitted that the petitioner's father was present in the shop and was illegally detained by the RPF officials, while the computer system, printer and authorized IRCTC dongle were seized without authority. It is further contended that the petitioner is a Chartered Accountancy student as well as a law graduate,



whose educational certificates have been filed as Annexure A-4 (collectively), and continuation of the criminal prosecution would seriously prejudice his future career. According to the petitioner, there is no allegation of misuse of the authorized IRCTC agency or wrongful gain, and therefore the prosecution deserves to be quashed.

4 . Per contra, learned counsel appearing for the Railway Protection Force opposed the petition and submitted that the petition does not satisfy any of the recognized parameters warranting exercise of inherent jurisdiction. It is submitted that during investigation it was found that the petitioner was issuing Tatkal railway tickets from his personal IRCTC ID instead of the authorized agent ID and was carrying on the business of procuring and supplying railway tickets for consideration, thereby attracting the offence punishable under Section 143 of the Railways Act. Learned counsel referred to the complaint dated 22.10.2019 filed by the Assistant Sub Inspector, RPF, which has been brought on record as Annexure R-1, and submitted that specific information regarding the petitioner's illegal activities had been received prior to the raid. It is further submitted that tickets, relevant electronic records and other incriminating material were seized from the petitioner's establishment, details whereof are contained in Annexures R-2 to R-6. It is further contended that the arrest memo, case diary, statements of witnesses including Vakeel Ram, Kamal and other RPF officials, as well as the investigation papers clearly disclose the commission of the alleged offence. It is argued that the discrepancies pointed out by the petitioner regarding the date of raid or his physical presence are matters of appreciation



of evidence, which can only be adjudicated during trial and cannot constitute grounds for quashing at the threshold.

5 . Heard learned counsel for the parties and perused the material available on record.

6. Section 143 of the Railways Act, 1989 penalizes unauthorised carrying on of the business of procuring and supplying railway tickets. The essential ingredients of the offence are that the accused must either be a railway servant or a person not being a railway servant or an authorised agent, and that such person carries on the business of procuring and supplying railway tickets without authorization.

7. The documents filed by the petitioner, particularly Annexure A/1, demonstrate that he was admittedly an authorized IRCTC e-ticketing agent since the year 2015. The prosecution also does not dispute the existence of such authorization. The gravamen of the allegation is only that two tickets were booked through the petitioner's personal ID instead of his authorized agent ID. The charge-sheet nowhere alleges that the petitioner was an unauthorized person or that he was carrying on the business of procuring or supplying railway tickets without authorization. The prosecution also does not allege cancellation of the petitioner's authorization by IRCTC or that he was functioning as a tout within the meaning of Section 143 of the Act.

8 . At this stage, it would be apposite to refer to the recent authoritative pronouncement of the Hon'ble Supreme Court in *Inspector, RPF vs Mathew.k. Cherian and J. Ramesh v. Union of India, Criminal Appeal Nos.4169 of 2024 [arising out of SLP (Criminal) No.2408 of 2017]*



and Criminal Appeal Nos.139-140 of 2025 [arising out of SLP (Criminal) Nos.9225-9226 of 2022], decided by the Hon'ble Supreme Court, wherein the precise scope and applicability of Section 143 of the Railways Act in the context of authorized railway agents and e-ticketing came up for consideration.

9. The Hon'ble Supreme Court, after examining the plain language and object of Section 143, held that the provision is intended to restrict persons who are not under the disciplinary control of or are not authorized by the Railways from conducting the business of procurement and supply of railway tickets. The Supreme Court specifically observed that railway servants and authorized agents stand apart since, on its own terms, Section 143 has no application to them. The relevant principle contained in paragraph 17 of the said judgment is directly attracted to the case at hand.

10. More importantly, while considering the case of *J. Ramesh (supra)*, who was himself an authorized railway agent and against whom prosecution had been launched on allegations of procuring tickets through multiple user IDs contrary to the IRCTC rules, the Hon'ble Supreme Court held in paragraphs 35 to 37 that Section 143 deals with the actions of unauthorized persons and does not prescribe a procedure to be followed by authorized agents for procuring or supplying tickets to their customers. The Supreme Court further held that even where an authorized agent is alleged to have violated the terms and conditions governing the agency, such violation would not attract Section 143 of the Railways Act. The Court categorically held that Section 143 does not criminalise creation of multiple user IDs and



that penal provisions are required to be construed strictly. It was ultimately held that an authorised agent cannot be proceeded against under Section 143 for alleged breach of the terms and conditions of the contract and, if at all, such breach would be liable to be remedied by civil action and not criminal prosecution.

11. The factual matrix of the present case bears substantial similarity to the case of *J. Ramesh (supra)* considered by the Hon'ble Supreme Court. In the present case also, the petitioner is admittedly an authorized IRCTC e-ticketing agent. The allegation against him is not that he was a stranger or an unauthorized tout who had entered into the business of procuring and supplying railway tickets without any authorization. Rather, the prosecution case itself proceeds on the footing that the petitioner was an authorized IRCTC agent but that on the relevant occasion two tickets were booked through his personal IRCTC user ID instead of the authorized agent ID.

12. Thus, even if the prosecution allegation is accepted in its entirety, the essential statutory distinction drawn by Section 143 remains significant. The provision, on its plain terms, excludes from its operation a person who is an agent authorised in this behalf. The allegation that such authorized agent used a personal ID contrary to the conditions imposed by IRCTC may constitute a breach of the terms and conditions governing his agency, and may invite appropriate administrative or contractual action by the competent authority, but such alleged breach by itself cannot attract criminal liability under Section 143 of the Railways Act in view of the law now authoritatively declared by the Hon'ble Supreme Court in *J. Ramesh*



(supra).

13. It is also significant that the prosecution does not allege that the petitioner's authorization had been cancelled or withdrawn, nor does the charge-sheet disclose that the petitioner had ceased to be an authorized agent. There is no allegation that the petitioner was an unauthorized person within the meaning of Section 143(1) of the Act. The allegation is confined to the mode in which the tickets were booked, namely, through the personal user ID rather than the authorized agent ID. In view of the ratio laid down in *J. Ramesh (supra)*, such allegation, even if accepted at its face value, does not constitute an offence punishable under Section 143 of the Railways Act.

14. The contention of the prosecution that the petitioner had violated the IRCTC rules or conditions applicable to authorized agents cannot alter the legal position. The Hon'ble Supreme Court has expressly distinguished between the status of an authorized agent and the alleged violation of the conditions regulating such authorization. Section 143 does not create a separate criminal offence for every unauthorized act or contractual breach committed by an authorized agent. In a penal statute, the Court cannot enlarge the scope of the offence beyond the words employed by the legislature.

15. The other grounds urged by the petitioner, namely, the discrepancy in the date of the raid, his alleged absence from the cyber café, the statements of witnesses and the circumstances surrounding seizure, would ordinarily involve appreciation of evidence and, therefore, need not be examined in detail. Once the admitted and undisputed foundational fact that



the petitioner was an authorized IRCTC agent is considered in the light of the law declared by the Hon'ble Supreme Court, the continuation of prosecution under Section 143 cannot be sustained.

16. The principles governing exercise of inherent jurisdiction under Section 482 Cr.P.C. are well settled. The present case falls within the parameters set by the apex court. The allegation against the petitioner, even if accepted in its entirety, does not satisfy the essential ingredients of Section 143 of the Railways Act because the petitioner was an authorized IRCTC agent and the allegation is only of using his personal ID instead of the authorized agent ID. The ratio in J. Ramesh (supra) is directly applicable and leaves no scope for sustaining a prosecution under Section 143 against an authorized agent merely on the allegation of breach of the conditions regulating the agency.

17. Consequently, permitting the criminal prosecution to continue would amount to subjecting the petitioner to a criminal trial for an act which, on the admitted factual foundation and the statutory interpretation declared by the Hon'ble Supreme Court, does not constitute an offence under Section 143 of the Railways Act, 1989. Such continuation would amount to abuse of the process of the Court and would not advance the ends of justice.

18. Accordingly, the petition is **allowed**. The entire criminal proceedings arising out of Criminal Case No.233/2020 (RSB Choupan Vs. Avinash Kumar Soni) pending before the learned Additional Chief Judicial Magistrate, Railway Court, Jabalpur, including the prosecution of the petitioner under Section 143 of the Railways Act, 1989, are hereby quashed..



(HIMANSHU JOSHI)
JUDGE

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